

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA :

Plaintiff :

v. :

: CIVIL NO. 98-1664 (CCC)

: CIVIL NO. 98-2344 (CCC)

33,92536 ACRES OF LAND, MORE :
OR LESS, SITUATED IN VEGA BAJA, :
COMMONWEALTH OF PUERTO RICO, :
AND JUAN PIZA BLONDET, AND :
UNKNOWN OWNERS :

Defendants :

DEPOSITION OF:

RAUL RODRIGUEZ LUGO

was taken on April 4, 2006 at the offices of the UNITED
STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO, Torre
Chardon, Chardon Avenue, Hato Rey, Puerto Rico,
commencing at 9:37 a.m.

BONAFIDE REPORTING SERVICE
PO BOX 11850
SUITE 236, SAN JUAN, PR 00922-1850
(787) 250-8507

EXHIBIT

"A"

1 A Yes.

2 Q You're a member of the Appraisal Institute?

3 A I'm not a member of the Appraisal Institute.

4 Q Okay. What is your professional
5 qualifications to be an appraiser?

6 A I am state licensed and I am state certified.
7 I started appraising in 1989 with Mr. Pedro Pons who's
8 an AMI appraiser and I, in the early 90's I went to New
9 York University and I obtained a Master's of Science in
10 real estate investment analysis.

11 I worked afterwards for a developer in London for a
12 couple of years. Came back to Puerto Rico and I've done
13 appraisals on, how do you say, freelancing for Gonzalo
14 Ferrer and for Javier Ortiz Del Valle with ODV Appraisal
15 and I'm currently with Javier Porrata.

16 Q Have you worked previously in an eminent
17 domain case?

18 A Yes, I did.

19 Q Okay. Can you tell me about that work.

20 A It was an expropriation of a site in Toa Baja,
21 I believe. It's a, to the best of my recollection, it
22 was about, it was roughly three acres, I believe it was
23 and Autoridad de Edificios Publicos which is a local
24 agency, was expropriating part of a larger track to, to

1 build a public school.

2 Q And in that case, did you represent the land
3 owner or the governmental entity?

4 A I represented the government.

5 Q Have you ever represented the land owner?

6 A No.

7 Q In that case that you worked on previously,
8 did that case ever go to trial?

9 A I believe they settled before going to trial.

10 Q And that case --

11 a I, my involvement in that case was basically
12 preparing the, the appraisal report and doing the
13 research and Mr. Pons is the person that, that went to
14 court and did all.

15 Q Okay. Was the actual appraisal under your
16 signature or was it under Mr. Pons' signature?

17 A Both.

18 Q Both?

19 A Uh-huh.

20 Q In that case when the government settled, did
21 they pay, more or less, than your original appraised
22 value?

23 A I don't remember.

24 Q Okay. Do you have a recollection of where

1 that case was pending?

2 A What do you mean?

3 Q What court was the case pending in front of.

4 A I wouldn't know that.

5 Q Okay. Was Mr. Pons that went actually and did
6 he do some court work, did I understand you correctly a
7 minute ago?

8 A I believe he did. I know, what I can remember
9 is that, that they had meetings, the parties and they
10 eventually settled.

11 I don't remember if they actually got to trial or
12 it was done before trial.

13 Q Okay. Do you remember the name of the land
14 owner?

15 A No.

16 Q Is that your only previous involvement in an
17 expropriation matter?

18 A Yes.

19 Q Do you have any records concerning this
20 previous case that you worked on?

21 A On this, the one that we're talking about
22 right now?

23 Q Yes.

24 A I don't have anything. That was when I was

1 now.

2 Q As you mentioned a moment ago, you're not a
3 geologist, correct?

4 A I'm not a geologist.

5 Q And you don't have any expertise per se with
6 regard to silica sand, is that correct?

7 A That's correct.

8 Q And you're not an engineer?

9 A I'm not an engineer.

10 Q Okay. And so at some point you get called
11 into this case to work on it, is that correct?

12 A Uh-huh. Yes.

13 Q And who eventually told you that the piece of
14 land you would be appraising was 385.25 acres?

15 A That's information that I gathered from, from
16 all the documents that were given to me.

17 Q And did you bring with you today all the
18 documents that you were given?

19 A I think, I believe that's it.

20 Q Okay. Do you have and I'll present these to
21 you as Exhibits 1 and 2 to the deposition, in your set
22 of papers, do you have these two documents?

23 A I'm sorry. What's the question.

24 Q The question was, before rendering your

1 opinions in this case, were you provided copies of those
2 documents?

3 A I don't remember specifically and this looks
4 like title studies, I don't remember specifically having
5 them.

6 (Whereupon the above-mentioned
7 document were marked as
8 Exhibit No. 1 and 2 for
9 identification.)

10 EXAMINATION CONTINUED

11 BY MR. P.E. HARRISON:

12 Q Okay. In general terms, can you tell me what
13 those documents establish?

14 A It's basically a legal history of the
15 property.

16 Q Okay, and --

17 A Of the Piza property

18 Q And has the 385 acres been subdivided?

19 MR. TAPICK: Objection to the extent it calls
20 for a legal conclusion.

21 THE DEPONENT: From what I can see here,
22 there's been some segregations.
23
24

1 documents don't appear to have been translated into
2 English and if we're going to be introducing them as
3 exhibits that we should probably work out an arrangement
4 to have Spanish documents translated for the benefit of
5 the Court.

6 MR. P.E. HARRISON: I don't have a problem with
7 it being translated for the Court but the witness just
8 went through that particular document and identified
9 exactly where the 33 acres were subdivided out.

10 EXAMINATION CONTINUED

11 BY MR. P.E. HARRISON:

12 Q So let me ask you, Mr. Rodriguez, do you have
13 any problems interpreting that document?

14 A Can you rephrase that question.

15 Q I mean, you don't need a translator to go
16 through those documents, do you?

17 A No, I don't need a translator for that.

18 Q So the Court might benefit from your reading
19 of the Spanish a moment ago into English and so counsel
20 suggested that we get a translator to do that, we can
21 certainly do that, but can you tell me in English what
22 you just said a moment ago in Spanish.

23 A Can you repeat that.

24 Q A moment ago you read into the record a

1 Spanish statement stating that 34 acres, approximately,
2 was subdivided out. Can you translate that for me in
3 English.

4 A "Segregated a parcel of 34.038 'cuerdas',
5 equal to 133,782.87 square meters to Page 141 of Book
6 380 of Vega Baja, property number 27674, describing the
7 following remnant:"

8 Q Okay. Thank you, thank you very much. I'd
9 like to look at exhibit and what is the date on that
10 document?

11 A The document of the title study?

12 Q Yes.

13 A The date of the study is March 1st, 2005.

14 Q Okay. And what is the date of the transaction
15 when the property was subdivided? If it's not indicated
16 on Exhibit 1, please refer to, if it's not indicated on
17 Exhibit 2, please refer to Exhibit 1.

18 A I'm sorry. You want to, what date? What was
19 that?

20 Q When the 34 acres were subdivided, what was
21 the date of that transaction, first, and when was it
22 recorded?

23 A I believe it's November 26th, 1997.

24 Q So that transaction that we just went through

1 was, obviously, before the expropriation in this case,
2 correct?

3 A It was before December '98, yes.

4 Q Okay. If the subject property, the one that
5 was expropriated, ends up being 33 acres, what
6 applicability would your appraisal be to that property?

7 A Can you rephrase that.

8 Q If the subject property turns out to be 33
9 acres, what is the applicability of your appraisal?

10 A I don't understand your, your question.

11 Q How many acres did you appraise in this case?

12 A I did an appraisal of the larger parcel and
13 the, and the remnant parcel, basically.

14 Q Okay. That being the approximately 385 acres,
15 correct?

16 A Approximately.

17 Q Okay. And the method that you used in your
18 appraisal was for a large tract of land, correct?

19 A Uh-huh.

20 Q All right. The method that you -- Is that
21 correct?

22 A Yes.

23 Q Okay, thank you. That's another rule to a
24 deposition, if I didn't say so earlier, you've got to

EXAMINATION CONTINUED

1
2 BY MR. P.E. HARRISON:

3 Q With all that you probably forgot the
4 question. I've got to ask it again, right?

5 A I remember this one.

6 Q You remember it, alright.

7 A I remember this one, yes.

8 Q It wasn't a complicated question, was it?

9 A From, from, from a valuation standpoint, if
10 I'm valuing a 34 acre site --

11 Q Yes.

12 A -- that's being expropriated in whole --

13 Q Yes.

14 A -- well, there's no, no reason to do the
15 before and after.

16 Q You can't, it's just, you know, we're all
17 sitting here and counsel was making objections but you
18 know exactly what I'm asking you, Mr. Rodriguez. If the
19 government expropriates en entirety of a 33 acre tract,
20 you can't use the before and after method, is that
21 correct?

22 A That's correct.

23 Q That's correct. It doesn't call for any type
24 of information that would require you to really do a

1 whole lot of legal analysis of it because we're dealing
2 with a land issue and the mere fact that there's no
3 remnant tract, isn't that fair? Isn't that correct?

4 MR. TAPICK: Objection.

5 THE DEPONENT: You confused me with that --

6 EXAMINATION CONTINUED

7 BY MR. P.E. HARRISON:

8 Q Okay. You don't have to analyze the question,
9 you don't have to legally conclude anything, you can
10 factually determine yourself, as an appraiser, that if
11 you have a 33 acre tract of land and you don't have a
12 remnant portion of it, you cannot use the before and
13 after method, isn't that correct?

14 A That's correct.

15 Q Thank you.

16 MR. P.E. HARRISON: If you'd like to take a
17 break, we can certainly do that.

18 (A recess was taken at this time.)

19 EXAMINATION CONTINUED

20 BY MR. P.E. HARRISON:

21 Q We took a quick break. You had a chance, you
22 feel better, you're ready to continue with the
23 deposition?

24 A Yes.

REPORTER'S CERTIFICATE

I, ELBA MARTINEZ, Court Reporter

DO HEREBY CERTIFY, That the foregoing transcript is a full, true and correct record of the testimony that was electronically recorded by me and thereafter reduced to typewritten form.

I FURTHER CERTIFY, that I am in no way interested in the outcome of the case mentioned in said caption.

A handwritten signature in cursive script, appearing to read 'Elba Martinez', is written over a horizontal line.